

**AMENDMENTS TO THE DRAWINGS**

The attached drawing replacement sheets improve the line quality of Figs. 1-4, and replace the sheets including Figs. 1-4 filed on May 27, 2009.

Attachment: Replacement Sheets (3)

## **REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1, 3-13 and 15-17 are pending in this application. Claims 1 and 15 are the only independent claims. By this Amendment, Claims 1 and 15 are amended, and Claims 16 and 17 are added. Support for the amendments can be found, for example, in paragraph [0024] of the specification. Support for Claims 16 and 17 can be found, for example, in Figs. 1 and 2. The specification also is amended to correct an informality. In addition, the line quality of Figs. 1-4 is improved with the attached replacement drawing sheets. No new matter is added.

### **I. Information Disclosure Statements**

The Examiner is kindly requested to consider and initial next to each item of information listed in the attached Information Disclosure Statement and return to the undersigned a fully-initialed copy of the Form PTO-1449. In addition, the Examiner is kindly requested to consider and initial next to each item of information listed in the Information Disclosure Statement filed September 23, 2009 and return to the undersigned a fully-initialed copy of that Form PTO-1449.

### **II. Objection to the Drawings**

The Office Action objects to the Drawings because of an informality. The objection is obviated by the attached replacement sheets. Thus, withdrawal of the objection is respectfully requested.

### **III. Objection to the Specification**

The Office Action objects to the specification because of informalities. The objection is respectfully traversed.

First, paragraphs [0020] and [0021] of the specification amended on January 22, 2009 are not inconsistent with the disclosure as originally filed. Previously amended paragraphs [0020] and [0021] state that the attachment points (i.e., reference numerals 10a, 10b, 11a, 11b, 14a, 14b, 15a, 15b) are *near* the front edge 12 and *near* the rear edge 13, respectively, of the diaper 1. This is shown in original Fig. 1. While the attachment points are "on" respective front and rear *portions* of the article (i.e., see reference numerals 5 and 7), none of the attachment points (i.e., reference numerals 10a, 10b, 11a, 11b, 14a, 14b, 15a, 15b) in original Fig. 1 contact the front *edge* 12 or the rear *edge* 13 of the article. That is, none of the attachment points (i.e., reference numerals 10a, 10b, 11a, 11b, 14a, 14b, 15a, 15b) are "on" the front edge 12 or the rear edge 13. Accordingly, paragraphs [0020] and [0021] of the specification amended on January 22, 2009 are not inconsistent with the original disclosure. Second, paragraph [0010] of the specification is amended to be more commensurate with the claims. The claims are not limited to the disclosed embodiments. Withdrawal of the objection is respectfully requested.

#### **IV. Prior Art Rejections**

Claims 1, 3-7, 11-13 and 15 stand rejected under 35 U.S.C. §103(a) over Suzuki, JP-A-64-77607, in view of Robertson, U.S. Patent No. 5,026,364, and Olsson et al. ("Olsson"), U.S. Patent No. 5,746,428; or alternatively under 35 U.S.C. §103(a) over Suzuki in view of Robertson and Sageser et al. ("Sageser"), U.S. Patent No. 5,496,428, and further in view of Olsson; and rejects claims 8-10 under 35 U.S.C. §103(a) over Suzuki in view of Robertson, Sageser and Olsson. The rejections are respectfully traversed.

Independent Claim 1 defines an absorbent article including a rear barrier formed in the rear portion and attached to the article along the rear edge of the article, and that a first side barrier is secured to the upper cover sheet of the article to form a first line of attachment and a second side barrier is secured to the upper cover sheet to form a second line of attachment. The first and second side barriers cooperate with the rear barrier to form a pocket. The pocket extends to the rear edge of the article and beyond the first and second lines of attachment in the transverse direction of the article. Independent Claim 15 recites similar features.

According to the MPEP, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference. Rather, the test is what the combined teachings of the applied references would have suggested to those of ordinary skill in the art (MPEP §2145(III), citing *In re Keller*, 642 F.2d 413, 425 (CCPA 1981)). Here, the combined teachings of the applied references would not have suggested to one skilled in the art the claimed first and second side barriers cooperating with the rear barrier to form a pocket that extends to the rear edge of the article and beyond the first and second lines of attachment in the transverse direction of the article, as recited in independent Claims 1 and 15.

The Office Action acknowledges that Suzuki fails to disclose a rear barrier and pocket formed in the rear portion of the article as recited in independent Claims 1 and 15. Sageser also fails to disclose a rear barrier, and therefore necessarily fails to disclose a rear barrier comprising a pocket having the above claim features.

Robertson's diaper 20 has barrier cuffs 62 attached to a liquid receiving surface 40 at an edge attachment 98, and a waistcap/waistband 78 (see Figs. 1-3 of

Robertson). Robertson discloses that the second edge 66 of the barrier cuffs 62 and the distal edges 86 of the inward portion 82 of the waistcap/waistband 78 overlap at four points or areas 110 to provide a containment pocket (see Fig. 1 and col. 5, lines 12-15). Thus, the pocket formed by the barrier cuffs 62 and the waistcap/waistband 78 extends only to the four points 110 shown in Fig. 1 of Robertson. That is, the pocket formed by the interaction of the barrier cuffs 62 and the waistcap/waistband 78 does not extend beyond the edge attachment 98 (alleged by the Examiner to correspond to the claimed "first and second lines of attachment"). Robertson discloses that the outward portion 80 (see Fig. 3) of the waistcap/waistband 78 can extend across the entire lateral width of the diaper 20, and that the waistcap/waistband 78 can extend across the entire lateral width of the absorbent core 44 (see col. 13, line 52 to col. 14, line 22). Relying on that statement, the Office Action takes the position that the pocket formed by the waistcap/waistband 78 may extend beyond the edge attachment 98 ("first and second lines of attachment") in the transverse direction of the article, as recited in independent claims 1 and 15, and be attached to the diaper 20 adjacent tape tab fasteners 54.

However, in such a configuration, the pocket formed by the waistcap/waistband 78 would not be defined by attachment to the barrier cuffs 62, which are provided inwardly at a distance from the tape tab fasteners 54 as clearly shown in Figs. 1 and 2 of Robertson. In other words, the waistcap/waistband 78 would not cooperate with the barrier cuffs 62 to form a pocket that extends to the rear edge 83 of the diaper 20 and beyond the edge attachments 98 ("first and second lines of attachment") in the transverse direction of the diaper, as recited in independent Claims 1 and 15. Thus, Robertson fails to overcome the deficiencies of Suzuki.

Olsson also fails to overcome the above deficiencies of Suzuki. Olsson discloses an absorbent article having transverse folds 20' and 21' (see Fig. 9). In one embodiment, the transverse folds 20' and 21' can be combined with longitudinal folds 20 and 21 (see Fig. 1) to provide barriers along each edge of the article (see col. 11, lines 63-67). The Office Action asserts that the embodiment including the transverse folds 20' and 21' combined with longitudinal folds 20 and 21 results in the configuration of the rear barrier, side barriers and pocket recited in independent claims 1 and 15. However, the embodiment including all four folds would simply result in the folds being joined to each other at respective inner folds 25 ("attachment lines") (as best shown in Fig. 5 of Olsson). Thus, any pocket formed by the combination of a longitudinal fold and transverse fold 20 would not extend beyond the inner folds 25 ("attachment lines") in the transverse direction of the article as recited in independent Claims 1 and 15.

As discussed above, none of Suzuki, Sageser, Robertson and Olsson discloses or suggests the claimed pocket. Accordingly, regardless of whether Suzuki discloses a desire for barrier/leakage protection, the combination of applied references would not have suggested to one skilled in the art the claimed first and second side barriers cooperating with the rear barrier to form a pocket that extends to the rear edge of the article and beyond the first and second lines of attachment in the transverse direction of the article, as recited in independent Claims 1 and 15. Therefore, the combination of recited features would not have been obvious in view of the applied references. Thus, independent Claims 1 and 15 are patentable over the applied references for at least these reasons.

Claims 3-13 are patentable over the applied references at least by virtue of their dependence from patentable independent Claim 1. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time. Withdrawal of the rejections is respectfully requested.

**VI. Claims 16 and 17**

Claims 16 and 17 define that the pocket is provided beyond the absorption body in the longitudinal direction. As discussed above, the Office Action acknowledges that Suzuki and Sageser fail to disclose a pocket formed in the rear portion of the article.

As also discussed above, Robertson discloses that the second edge 66 of the barrier cuffs 62 and the distal edges 86 of the inward portion 82 of the waistcap/waistband 78 overlap at four points 110 to provide a containment pocket. However, as clearly shown in Figs. 1-3 of Robertson, the pocket formed by the barrier cuffs 62 and the waistcap/waistband 78 *overlaps* the absorbent core 44 in the longitudinal direction of the diaper 20. That is, the pocket is not provided beyond the absorbent core 44 of the diaper 20 in the longitudinal direction of the diaper 20.

Any pocket formed by the combination of the transverse folds 20' and 21' combined with longitudinal folds 20 and 21 in Olsson would *overlap* the absorbent pad 3 in the longitudinal direction of the absorbent article. That is, the pocket would not be provided beyond the absorbent pad 3 of the absorbent article in the longitudinal direction.

Thus, Claims 16 and 17 are patentable over the applied references for at least these reasons, as well as by virtue of their dependence from patentable independent Claims 1 and 5, respectively.

**VI. Conclusion**

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections and objections, and to allow the present application. In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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Date: November 6, 2009

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